



State of Utah

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To: JJS Supervisors, Superintendents,
Assistant Program Directors, and Program Directors
From: Dan Maldonado
Subject: Training/Basic Academy
Date: August 12, 2005

In 1989, the United States Supreme Court ruled on the issue of liability of training in juvenile corrections. (*City of Canton vs. Harris*) They ruled that the failure to train might be a basis for liability under a 1983 civil action when there is "deliberate indifference" by a government agency. Since then, the Division has developed a policy and training program that covers most of the elements listed in the decision. First, Division training deals with decisions that employees have the responsibility of making such as medical screening, conflict resolution and daily care of youthful offenders. Second, the training is directed toward that decision-making process. Third, training is made available and documented, and employees are tested to a level of competency.

It is very important that proper and complete training be done within a reasonable time frame.

The basic assumption is that a new employee can and will complete the academy within a year of being hired as a full time employee. By definition, completion of the academy means attending all sessions and successfully taking and passing tests given at the end of each week. An employee who fails the test at the end of the first week, **will be dropped from the academy and rescheduled to attend the next academy in its entirety.** Employees requiring special accommodations need to inform the Training Unit at the beginning of the academy.

Attendance is imperative. Supervisors will schedule employees to attend the academy 8 hours a day, 5 days a week, Monday through Friday. While employees are in the academy, they are not to be scheduled to work any other shifts or assignments. Unless an employee has an excused absence, an employee who fails to attend a class or is more than 15 minutes late for any class, **will be dropped from the academy and rescheduled to attend the next academy.** An excused absence is when an employee is unable to attend because of circumstances beyond his/her control and must use sick (with a doctor's note), funeral, jury or military leave.

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With very few exceptions, there is no reason new employees would not be able to complete this requirement. Training costs, including replacement costs are borne by the Training Unit. There are four academies scheduled each year and if needed, additional academies can be scheduled.

Because the completion of the Division's Basic Academy is a condition of probation, any employee who is on probation and does not complete the Basic Academy within the probationary period will be terminated. It is imperative that supervisors register and schedule probationary employees to attend the academy for the earliest possible date.

New hires of direct care staff must be advised of these requirements and must accept these conditions before an offer for employment is extended.

We all have personal lives that are affected by conditions of our employment. I wish everyone's personal priorities and timetables could be accommodated all the time, but they can't. We all have a responsibility to ensure this policy is followed. Please plan early when filling vacant positions to make sure the new employee has every opportunity to attend the next available academy.

Any request for exception to this policy must be made in writing to the Division Director.

As a Division, we have made great strides in this direction and I thank those of you that have been diligent in getting new employees trained.